

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSEPH CANTRELL,

Case No. 3:23-cv-00174-MMD-CLB

Petitioner,

v.

ORDER

WASHOE COUNTY SHERIFF
DETENTION FACILITY,

Respondent.

Following initial review of the Petitioner's habeas petition (ECF No. 20) under the Indian Civil Rights Act, 25 U.S.C. § 1303,¹ the Court finds that the petition states at least one cognizable claim for relief. See 25 U.S.C. § 1302. Thus, the Respondent will be directed to respond to the petition.

It is therefore ordered that the Clerk of Court will serve a copy of the habeas petition (ECF No. 20) and this order upon Respondent by having the United States Marshal promptly serve both documents on Darin Balaam, Washoe County Sheriff, under Rule 4(j)(2) of the Federal Rules of Civil Procedure. The Clerk of Court will also provide the U.S. Marshal a USM-285 form directing service at the Washoe County Sheriff's Office, 911 Parr Blvd., Reno, NV 89512.

It is further ordered that Respondent must file and serve an answer or other response to the petition (ECF No. 20) within 20 days of the date of service, unless for good cause additional time is allowed.

¹Petitioner is challenging a conviction and sentence entered in the Pyramid Lake Tribal Court. While Petitioner filed this action using the Court's form for a habeas petition under 28 U.S.C. § 2241, the Court construes the pleading as a petition under 25 U.S.C. § 1303, which extends habeas corpus relief to persons challenging "detention by order of an Indian tribe."

1 It is further ordered that the Clerk of Court send, by U.S. Mail, a copy of the habeas
2 petition (ECF No. 20) and this order to the Pyramid Lake Tribal Prosecutor, P.O. Box 256,
3 Nixon, Nevada 89424.

4 DATED THIS 5th Day of September 2023.

5
6 

7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28